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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Report of the Third Committee (Part II)*

Rapporteur: Mrs. Mónica MARTÍNEZ (Ecuador)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Human rights questions: implementation of human rights instruments" and to allocate it to the Third Committee.
2. The Third Committee considered the item at its 30th, 31st, 35th, 37th, 39th, 43rd to 45th, 47th and 48th meetings, on 7, 10, 13, 14, 17, 19 to 21, 25 and 26 November 1997. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/52/SR.30, 31, 35, 37, 39, 43-45, 47 and 48).
3. For the documents before the Committee under this item, see A/52/644.
4. At the 36th meeting, on 14 November, the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/52/SR.36).

* The report of the Committee on agenda item 112 will be issued in six parts, under the symbol A/52/644 and Add.1-5.



II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/52/L.35

5. At the 35th meeting, on 13 November, the representative of Mexico, on behalf of Argentina, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Guyana, Mexico, Morocco, Nicaragua, Nigeria, Paraguay, Peru, the Philippines, Sri Lanka, Tunisia, Turkey, Uruguay and Yemen, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/52/L.35). Subsequently, the Dominican Republic joined in sponsoring the draft resolution.

6. At its 37th meeting, on 14 November, the Committee adopted draft resolution A/C.3/52/L.35 without a vote (see para. 23, draft resolution I).

B. Draft resolution A/C.3/52/L.37

7. At the 35th meeting, on 13 November, the representative of Norway, on behalf of Australia, Canada, Costa Rica, the Czech Republic, Denmark, Finland, France, Hungary, Iceland, Ireland, Italy, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Portugal, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia and Venezuela, introduced a draft resolution entitled "International Covenants on Human Rights" (A/C.3/52/L.37). Subsequently, Austria, Belarus, El Salvador, Greece, Israel, Lithuania, Malta, Poland, San Marino and Spain joined in sponsoring the draft resolution.

8. In introducing the draft resolution, the representative of Norway orally revised it as follows:

(a) In operative paragraph 6, the words "the gender perspective" were replaced by the words "a gender perspective" and the words "of States parties" were inserted after the words "including the national reports";

(b) In operative paragraph 9, the phrase "and takes note of general comments Nos. 25 and 26 adopted by the Committee" was added at the end of the paragraph;

(c) In operative paragraph 10, the phrase "and takes note of general comments Nos. 6 and 7 adopted by the Committee" was added at the end of the paragraph.

9. At its 37th meeting, on 14 November, the Committee adopted draft resolution A/C.3/52/L.37, as orally revised, without a vote (see para. 23, draft resolution II).

C. Draft resolution A/C.3/52/L.49

10. At the 44th meeting, on 20 November, the representative of Poland, on behalf of Argentina, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil,

Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, the Czech Republic, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, Mongolia, Nicaragua, Norway, Panama, Poland, Portugal, the Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uzbekistan and Venezuela, introduced a draft resolution entitled "Fiftieth anniversary of the Universal Declaration of Human Rights" (A/C.3/52/L.49). Subsequently, Albania, Armenia, Australia, Azerbaijan, Bangladesh, Barbados, Benin, Cameroon, the Central African Republic, Denmark, El Salvador, Ethiopia, Guinea-Bissau, Iceland, India, Ireland, Japan, Kenya, Mali, Morocco, Mozambique, the Netherlands, New Zealand, Pakistan, Paraguay, the Philippines, the Republic of Korea, the Russian Federation, Solomon Islands, Turkey and Turkmenistan joined in sponsoring the draft resolution.

11. At the same meeting, a statement was made by the representative of the Dominican Republic (see A/C.3/52/SR.44).

12. At its 45th meeting, on 21 November, the Committee adopted draft resolution A/C.3/52/L.49 without a vote (see para. 23, draft resolution III).

13. Before the adoption of the draft resolution, a statement was made by the representative of the Dominican Republic; after the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.3/52/SR.45).

D. Draft resolution A/C.3/52/L.36 and Rev.1

14. At the 39th meeting, on 17 November, the representative of Canada, on behalf of Argentina, Australia, Austria, Bulgaria, Cameroon, Canada, Costa Rica, the Czech Republic, Denmark, Finland, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Portugal, the Republic of Korea, Romania, San Marino, Slovakia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" (A/C.3/52/L.36), which read:

"The General Assembly,

"Recalling its resolution 51/87 of 12 December 1996, as well as other relevant resolutions, and decision 1997/105 of 3 April 1997 of the Commission on Human Rights,¹

¹ Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

"Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,²

"Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,³ to promote universal respect for and observance of human rights and fundamental freedoms,

"Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

"Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

"Reaffirming its responsibility to ensure the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

"(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

"(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

"(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

"(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

"Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,⁴

"1. Welcomes with appreciation the report of the persons chairing the human rights treaty bodies on their eighth meeting, held at Geneva from

² A/CONF.157/24 (Part I), chap. III.

³ Resolution 217 A (III).

⁴ A/52/445.

15 to 19 September 1997,⁵ and takes note of their conclusions and recommendations;

"2. Also welcomes the submission of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system;⁶

"3. Encourages ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

"4. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

"(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

"(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

"5. Recalls that the work of each human rights treaty body should complement the work of the other human rights treaty bodies and, in this regard, emphasizes that universal adherence to the core international human rights treaties adopted within the framework of the United Nations system is important for the full realization of that complementarity;

"6. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

"7. Also welcomes, in particular, the efforts of the persons chairing the treaty bodies at their eighth meeting to develop appropriate reforms of the reporting system, with a view to, inter alia, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages persons chairing the treaty bodies to continue their efforts in this regard;

"8. Looks forward to the completion of the Secretary-General's detailed analytical study comparing the provisions of the International

⁵ A/52/507, annex.

⁶ E/CN.4/1997/74, annex.

Covenant on Economic, Social and Cultural Rights,⁷ the International Covenant on Civil and Political Rights,⁷ the International Convention on the Elimination of All Forms of Racial Discrimination,⁸ the Convention on the Elimination of All Forms of Discrimination against Women,⁹ the Convention on the Rights of the Child¹⁰ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹¹ which is being prepared with a view to identifying duplication of reporting required under these instruments;

"9. Welcomes the publication of the revised Manual on Human Rights Reporting;

"10. Requests the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by State parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

"11. Reiterates its concern with the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

"12. Also reiterates its concern with the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

"13. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

"14. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

"15. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of

⁷ See resolution 2200 A (XXI), annex.

⁸ Resolution 2106 A (XX), annex.

⁹ Resolution 34/180, annex.

¹⁰ Resolution 44/25, annex.

¹¹ Resolution 39/46, annex.

the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

"16. Recalls the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies;

"17. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies, other United Nations bodies and the special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, and encourages the specialized agencies, other United Nations bodies, the special rapporteurs, representatives, experts and working groups, as well as the treaty bodies, to further develop their cooperation;

"18. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

"19. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

"20. Requests the Secretary-General to include in his report, pursuant to the present resolution, a detailed explanation of the basis for the payment of honoraria to the members of the human rights treaty bodies and, in particular, to explain why the members of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture do not receive an honorarium whereas the members of the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women do;

"21. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

"22. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the request by the eighth meeting of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women prepare a study, for use by the United Nations High Commissioner for Human Rights and the treaty bodies, analysing what

each treaty body has done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives;¹²

"23. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

"24. Welcomes the request of the persons chairing the human rights treaty bodies¹³ that they hold an extraordinary three-day meeting early in 1998 to pursue the reform process aimed at improving the effective implementation of international instruments on human rights, and requests the Secretary-General to take the appropriate steps in order to finance the meeting from the available resources of the United Nations regular budget;

"25. Requests the Secretary-General to report to the General Assembly at its fifty-third session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

"26. Decides to continue giving priority consideration, at its fifty-third session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled 'Human rights questions'."

15. At its 48th meeting, on 26 November, the Committee had before it a revised draft resolution (A/C.3/52/L.36/Rev.1), submitted by Albania, Argentina, Australia, Austria, Bulgaria, Cameroon, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, San Marino, Slovakia, Solomon Islands, South Africa, Spain, Sweden, Turkmenistan, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

16. At the same meeting, the representative of Canada orally revised the draft resolution, as follows:

¹² A/52/507, annex, para. 62.

¹³ See A/52/507, annex, para. 75.

(a) A new preambular paragraph was inserted after the eighth preambular paragraph, reading:

"Concerned that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages";

(b) In operative paragraph 1, the words "Welcomes with appreciation the report" were replaced by the words "Welcomes the submission of the report";

(c) The beginning of operative paragraph 21, which had read "Welcomes the recommendation of the persons chairing the human rights treaty bodies that efforts continue to be made to enhance coordination and cooperation", was replaced by "Notes that efforts continue to be made at coordination and cooperation".

17. Also at the same meeting, a vote was requested on operative paragraph 21, as orally revised.

18. Also at its 48th meeting, the Committee adopted operative paragraph 21, as orally revised, by a recorded vote of 97 to 4, with 41 abstentions. The voting was as follows:¹⁴

In favour: Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Against: Cuba, Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.

Abstaining: Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, India,

¹⁴ The delegation of Yemen subsequently indicated that it had intended to abstain.

Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kyrgyzstan, Lebanon, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mozambique, Nepal, Nigeria, St. Kitts and Nevis, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Suriname, Thailand, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

19. Before the adoption of operative paragraph 21, statements were made by the representatives of Cuba, Nicaragua, Denmark, the Islamic Republic of Iran, the Sudan and India; after the adoption of paragraph 21, the representative of the Syrian Arab Republic made a statement (see A/C.3/52/SR.48).

20. At the same meeting, the Committee adopted draft resolution A/C.6/52/L.36/Rev.1, as orally revised, without a vote (see para. 23, draft resolution IV).

21. Before the adoption of the draft resolution, statements were made by the representatives of the Sudan and Cuba; after the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic and the Democratic People's Republic of Korea (see A/C.3/52/SR.48).

E. Draft decision

22. At its 50th meeting, on 26 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Committee against Torture (A/52/44)¹⁵ and the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/52/387) (see para. 24).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of

¹⁵ Official Records of the General Assembly, Fifty-second Session, Supplement No. 44 (A/52/44).

human rights, in particular the Universal Declaration of Human Rights,¹⁶ the International Covenants on Human Rights,¹⁷ the International Convention on the Elimination of All Forms of Racial Discrimination,¹⁸ the Convention on the Elimination of All Forms of Discrimination against Women¹⁹ and the Convention on the Rights of the Child,²⁰

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,²¹ all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

¹⁶ Resolution 217 A (III).

¹⁷ Resolution 2200 A (XXI), annex.

¹⁸ Resolution 2106 A (XX), annex.

¹⁹ Resolution 38/180, annex.

²⁰ Resolution 44/25, annex.

²¹ A/CONF.157/24 (Part I), chap. III.

Recalling that, in its resolution 51/85 of 12 December 1996, it requested the Secretary-General to submit to it at its fifty-second session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Takes note of the report of the Secretary-General,²² and requests him to submit to it at its fifty-third session an updated report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its fifty-third session under the sub-item entitled "Implementation of human rights instruments".

DRAFT RESOLUTION II

International Covenants on Human Rights

The General Assembly,

Recalling its resolution 50/171 of 22 December 1995, and taking note of Commission on Human Rights decision 1997/104 of 3 April 1997,²³

²² A/52/359.

²³ See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

Mindful that the International Covenants on Human Rights²⁴ constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,²⁵ form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary General²⁶ on the status of the International Covenant on Economic, Social and Cultural Rights,²⁴ the International Covenant on Civil and Political Rights²⁴ and the Optional Protocols to the International Covenant on Civil and Political Rights,²⁷

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of the Covenant;

3. Invites the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political

²⁴ Resolution 2200 A (XXI), annex.

²⁵ Resolution 217 A (III).

²⁶ A/52/446.

²⁷ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for the appropriateness of measures taken in those circumstances can be assessed;

6. Also stresses the importance of fully taking into account a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including the national reports of States parties, and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

7. Encourages the States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

8. Also encourages the States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

9. Takes note with appreciation of the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-first²⁸ and fifty-second sessions,²⁹ and takes note of general comments Nos. 25³⁰ and 26 adopted by the Committee;

10. Also takes note with appreciation of the reports of the Committee on Economic, Social and Cultural Rights on its twelfth and thirteenth,³¹ and fourteenth and fifteenth³² sessions, and takes note of general comments Nos. 6³³ and 7 adopted by the Committee;

²⁸ Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40).

²⁹ Ibid., Fifty-second Session, Supplement No. 40 (A/52/40).

³⁰ Ibid., Fifty-first Session, Supplement No. 40 (A/51/40), annex V.

³¹ Official Records of the Economic and Social Council, 1996, Supplement No. 2 (E/1996/22).

³² Ibid., 1997, Supplement No. 2 (E/1997/22).

³³ Ibid., 1996, Supplement No. 2 (E/1996/22), annex IV.

11. Invites the Committees to identify specific needs of States parties that might be addressed through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the possible participation of members of the Committees where appropriate;

12. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

13. Urges States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested and in their reports to make use of gender-disaggregated data;

14. Also urges States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the First Optional Protocol to the International Covenant on Civil and Political Rights;

15. Invites States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

16. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

17. Requests the Secretary-General to consider ways and means of assisting States parties to the International Covenants on Human Rights in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

18. Also requests the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

19. Once again urges the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, in particular through the Office of Communications and Public Information of the Secretariat, to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

20. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

DRAFT RESOLUTION III

Fiftieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Recalling that in adopting the Universal Declaration of Human Rights³⁴ on 10 December 1948, it recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Declaration provides an opportunity for the United Nations and its Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration and other international instruments and declarations in the field of human rights adopted subsequently,

Recognizing the Declaration as a common standard of achievement for all peoples and all nations, as well as the source of inspiration and the basis of subsequent progress in the field of human rights,

Concerned that international human rights standards are not fully and universally respected, that human rights continue to be violated in all parts of the world and that people still suffer misery and are deprived of full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity to respect fundamental human rights in all situations and to strengthen the United Nations in this regard,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political,

³⁴ Resolution 217 A (III).

economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Convinced of the necessity of protecting and promoting human rights and fundamental freedoms, and determined to take new steps forward, nationally and with the increased cooperation and solidarity of the international community, with a view to achieving substantial progress in human rights,

Recalling the significance of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,³⁵ as a milestone in the recognition and progressive development of all human rights and fundamental freedoms for all by the international community,

Stressing the importance of ensuring that full attention is given to the integration of the human rights of women into all preparations for and celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights,

Recognizing the fundamental importance of tolerance as an essential element in promoting a culture conducive to the acceptance of diversity and pluralism, and thereby to the fuller enjoyment of human rights,

Affirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Stressing the fact that realization of the full range of human rights requires effective policies and compliance at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Convinced that, in the light of the existing level of standard-setting in the field of human rights, a primary task of the United Nations is to promote the universal ratification of or accession to existing international instruments and their full implementation by all States parties to those instruments,

Recalling the decision of the General Assembly to convene, during its fifty-third session, a one-day plenary meeting, on 10 December 1998, to celebrate the fiftieth anniversary of the Declaration,³⁶

Welcoming the international and national initiatives to commemorate the fiftieth anniversary of the Declaration, and commending the efforts made in all regions of the world to promote all human rights and fundamental freedoms,

1. Welcomes the activities undertaken by the United Nations High Commissioner for Human Rights to contribute to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, and requests her to

³⁵ A/CONF.157/24 (Part I), chap. III.

³⁶ Resolution 51/88, para. 8.

continue to coordinate all relevant activities within the United Nations system, bearing in mind the provisions of the Vienna Declaration and Programme of Action³⁵ for evaluation and follow-up;

2. Encourages all Governments and other actors to undertake additional efforts to develop education and information programmes, with a view to disseminating the text of the Universal Declaration of Human Rights and arriving at a better understanding thereof, and emphasizes in that regard the primary importance of grass-roots initiatives in promoting, through education and the media, a culture of all human rights and fundamental freedoms;

3. Invites Governments and the international community to continue to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome, both through measures at the national level and through enhanced international cooperation, with a view to ensuring full enjoyment of all human rights and fundamental freedoms for all, taking into account developments that have taken place during the past fifty years;

4. Urges Governments to endorse and implement national programmes for the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights and to ensure wide participation, including the participation of public administration institutions, national institutions, non-governmental organizations, academic circles and all strata of civil society, and thereby to bring the letter and spirit of the Declaration to the awareness of all;

5. Urges those Governments that have not yet ratified the international human rights treaties and protocols adopted within the framework of the United Nations system to consider doing so, and calls upon all Governments to implement fully their international obligations in the field of human rights;

6. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on their possible contribution to the above-mentioned preparations;

7. Calls upon relevant United Nations organs and agencies, in the light of the principles set forth in the Universal Declaration of Human Rights, to make, within their respective mandates and fields of action, an assessment of, and to put forward pertinent conclusions on, the state of implementation and the impact of existing international human rights instruments;

8. Invites relevant United Nations organs and agencies, in coordination with the United Nations High Commissioner for Human Rights, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect all human rights and fundamental freedoms;

9. Invites Governments, the United Nations Secretariat, the Office of Communications and Public Information of the Secretariat, relevant organs and agencies of the United Nations system within their respective mandates, including the United Nations Educational, Scientific and Cultural Organization, other international organizations and non-governmental organizations, to

disseminate widely the Universal Declaration of Human Rights, as well as other international instruments in the field of human rights, with a view to ensuring the universality and full and comprehensive enjoyment of all human rights and fundamental freedoms;

10. Reaffirms its commitment to continue building on the inspiration of the Universal Declaration of Human Rights through the development of international human rights standards and of mechanisms for their promotion and protection, and taking into account developments over the past fifty years;

11. Encourages national human rights institutions, such as human rights commissions, ombudspersons and others, to play a significant role in the activities marking the fiftieth anniversary of the Declaration;

12. Invites non-governmental organizations to participate fully in the preparation and commemoration of the fiftieth anniversary of the Declaration and to intensify their campaign for greater understanding and better use of the Declaration;

13. Encourages the Commission on Human Rights, at its fifty-fourth session, to give the fiftieth anniversary of the Declaration attention commensurate with its historical significance.

DRAFT RESOLUTION IV

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 51/87 of 12 December 1996, as well as other relevant resolutions, and taking note of Commission on Human Rights decision 1997/105 of 3 April 1997,³⁷

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,³⁸

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal

³⁷ See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

³⁸ A/CONF.157/24 (Part I), chap. III.

Declaration of Human Rights,³⁹ to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or recurrence, of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments;

(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Concerned that lack of adequate resources should not impede the effective functioning of the human rights treaty bodies, including in regard to their ability to work in the applicable working languages,

³⁹ Resolution 217 A (III).

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,⁴⁰

1. Welcomes the submission of the report of the persons chairing the human rights treaty bodies on their eighth meeting, held at Geneva from 15 to 19 September 1997,⁴¹ and takes note of their conclusions and recommendations;

2. Encourages each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

3. Welcomes the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system;⁴²

4. Encourages ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

5. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

6. Takes note with appreciation of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child⁴³ and the plan of action to strengthen implementation of the International Covenant on Economic, Social and Cultural Rights,⁴⁴ recalls the importance of administering those plans in accordance with established United Nations procedures, and requests the Secretary-General to include in his report prepared pursuant to the present resolution information on the implementation of those plans of action;

7. Reaffirms the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of

⁴⁰ A/52/445.

⁴¹ A/52/507, annex.

⁴² E/CN.4/1997/74, annex.

⁴³ Resolution 44/25, annex.

⁴⁴ See resolution 2200 A (XXI), annex.

international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of that complementarity;

8. Welcomes the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

9. Takes note with appreciation, in this regard, of the efforts of the persons chairing the human rights treaty bodies at their eighth meeting to develop appropriate reforms of the reporting system, with a view to, inter alia, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

10. Calls upon the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,⁴⁴ the International Covenant on Civil and Political Rights,⁴⁴ the International Convention on the Elimination of All Forms of Racial Discrimination,⁴⁵ the Convention on the Elimination of All Forms of Discrimination against Women,⁴⁶ the Convention on the Rights of the Child⁴⁷ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴⁷ which is being prepared with a view to identifying duplication of reporting required under those instruments;

11. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

12. Welcomes the publication of the revised Manual on Human Rights Reporting;

13. Requests the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the

⁴⁴ Resolution 2106 A (XX), annex.

⁴⁶ Resolution 34/108, annex.

⁴⁷ Resolution 39/46, annex.

Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

14. Reiterates its concern about the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

15. Also reiterates its concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

16. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

17. Urges all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

18. Encourages the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

19. Recalls the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty bodies;

20. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

21. Notes that efforts continue to be made at coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

22. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

23. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

24. Requests the Secretary-General to include in his report prepared pursuant to the present resolution a detailed explanation of the basis for the payment of honoraria to the members of the human rights treaty bodies and suggestions to improve coherence in this regard;

25. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

26. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the request of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women of the Secretariat prepare a study, for use by the United Nations High Commissioner for Human Rights and the treaty bodies, analysing what each treaty body has done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives;⁴⁸

27. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

28. Welcomes the request of the persons chairing the human rights treaty bodies to hold an extraordinary three-day meeting early in 1998 to pursue the reform process aimed at improving the effective implementation of international instruments on human rights,⁴⁹ and requests the Secretary-General to take the appropriate steps to finance the meeting from the available resources of the regular budget of the United Nations;

29. Requests the Secretary-General to report to the General Assembly at its fifty-third session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

30. Decides to continue giving priority consideration, at its fifty-third session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

* * *

⁴⁸ A/52/507, annex, para. 62.

⁴⁹ Ibid., para. 75.

24. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection
with implementation of human rights instruments

The General Assembly takes note of the following reports:

- (a) Report of the Committee against Torture;⁵⁰
- (b) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture.⁵¹

⁵⁰ Official Records of the General Assembly, Fifty-second Session, Supplement No. 44 (A/52/44).

⁵¹ A/52/387.